

## **REMARKS**

In the Official Action mailed on **30 April 2008**, the Examiner reviewed claims 1-6 and 14-17. Examiner objected to the amendment filed 13 December 2007 under 35 U.S.C. § 132(a). Examiner rejected claims 1-6 and 14-17 under 35 U.S.C. § 112. Examiner rejected claims 1-6, and 14-17 under 35 U.S.C. § 103(a) based on Parham et al. (U.S. Patent No. 6,879,564, hereinafter "Parham"), and Bertin et al. (U.S. Patent No. 5,940,372, hereinafter "Bertin").

### **Interview Summary**

Applicant and Examiner discussed Bertin (U.S. Pat. No. 5,940,372) and Merchant (U.S. Pat. No. 6,385,715) as applied to claim 1 of the instant application on June 5, 2008.

Applicant pointed out distinctions between the present invention and Bertin regarding the definition of weights. Examiner agreed that the weights defined in Bertin are a function of the reserved or active bandwidth, while the zone weights of the present invention are not a function of the active bandwidth consumption or reservation. Examiner encouraged Applicant to amend the claim recitation to clarify the above distinction. Applicant agreed to address the matter.

### **Rejections under 35 U.S.C. § 112**

Claims 1-6 and 14-17 are rejected as failing to comply with the written description requirement under 35 U.S.C. § 112, first paragraph. Applicant has amended claims 1, 4-6, and 14 to remove the objectionable subject matter. Applicant respectfully submits that these amendments overcome the rejections under 35 U.S.C. § 112, first paragraph.

Claims 5-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Applicant has amended claims 5 and 6 to delete the language that is deemed indefinite by the Examiner, and respectfully submits that this amendment overcomes the rejection under 35 U.S.C 112, second paragraph.

**Rejections under 35 U.S.C. § 103(a)**

Claims 1-6, 11, 13, 14-17, 22, and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Parham in view of Bertin. Applicant respectfully disagrees, and submits that Bertin and the present invention disclose different approaches for determining the weights from which the optimal path weights are determined to enable further routing decisions to be made in the network.

Bertin discloses a path determination approach in a network with both reserved and non-reserved bandwidth at the network links. Bertin's approach is aimed at routing non-reserved traffic in a "best efforts" approach by identifying a routing path with the **least reserved bandwidth**. Bertin discloses a weight at a transmission link in which higher weight assigned to the link reflects greater bandwidth reserved at that link. Thus, minimizing a path weight involves determining a network path with the minimal reserved bandwidth (see Bertin, col. 6, lines 28-34, and cols. 13-14).

In contrast, embodiments of the present invention define a zone weight at a fault zone that **is equal to the total number of routing paths** that go through the fault zone (see page 6, lines 3-26 to page 7, lines 1-25 of the specification). The path weight is defined at a path to be the sum of all the zone weights of fault zones in the path. Applicant respectfully submits that this is different from both the link weight and the path weight disclosed in Bertin.

Applicant respectfully points out that there is nothing within the combined system of Parham and Bertin, either explicit or implicit, that discloses a centralized routing decision system in which various fault zones in a network are identified, and for determining the routing path between two end nodes, a path weight is determined to be a sum of all the zone weights where the zone weights are assigned at each fault zone to be equal to the number of routing paths between the two nodes that may traverse that fault zone.

Accordingly, Applicant has amended the independent claims 1, 4-6, and 14 to clarify that the term the zone weight at each fault zone is *equal to the number of routing paths* that traverse that fault zone. This finds support in page 6, lines 3-26 to page 7, lines 1-25 of the specification. No new matter has been added.

Hence, Applicant respectfully submits that independent claims 1, 4-6, and 14, as presently amended are in condition for allowance. Applicant also submits that claims 2-3, which depend upon claim 1, and claims 15-17, which depend upon claim 14, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

### CONCLUSION

It is submitted that the application is presently in form for allowance.  
Such action is respectfully requested.

Respectfully submitted,

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Date: 30 July 2008

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